

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:06CR50
)	
v.)	
)	ORDER
RUDOLPH GEORGE STANKO,)	
)	
Defendant.)	
_____)	

This matter is before the court on various motions filed by the defendant in this case.

Motion to Proceed In Forma Pauperis, Filing No. 57

The court has scheduled a hearing on this matter for Thursday, August 3, 2006, at 10:00 a.m.

Motion for Article III Judge, Filing No. 62

Defendant requests that only an Article III judge rule on his pending motions. The court previously ruled that all pretrial motions would be ruled on by this court. Filing No. 18. The magistrate will assist the court with setting the trial in this case. Thus, the court denies this motion as moot.

Motion to liberally construe pleadings, Filing No. 64

Defendant asks this court to liberally construe the pleadings. This request has been previously ruled on in Filing No. 29. Thus, it will be denied as repetitive.

Court appointed investigator and handwriting expert, Filing Nos. 65 and 67

Defendant asks the court to appoint an investigator to assist in his right to confront witnesses while incarcerated at Guantanamo Bay, Omaha. Defendant is not entitled to an

investigator at government expense in this case. Nor is defendant entitled to a handwriting expert at government expense. Accordingly, these motions are denied.

Motion for order for supporting documentation, Filing No. 68

Defendant asks for copies of all pleadings in this case. The court is going to deny this order, as defendant has been provided with all copies of pleadings and court orders in this case.

Motion for hearing and for declaratory judgment, Filing No. 70

Defendant contends that his confinement in Guantanamo-Bay, Omaha, a/k/a, Douglas County Correctional Center, and particularly his solitary confinement, inhibits his ability to prepare his case, given the fact that he is appearing pro se and without bail, all in violation of the Eighth Amendment to the United States Constitution. First, the court notes that defendant is being held for sentencing relating to this felony conviction for felon in possession of firearms and ammunition. Thus, he is not entitled to bail. Second, the court has previously addressed the access to legal materials issues and will not do so again. The court finds the remaining allegations to be without merit. Accordingly, the court will deny the motion for hearing and for declaratory judgment.

Motion for a suppression hearing, Filing No. 71

Defendant asks the court to suppress the signature card which allegedly contains defendant's signature. Defendant contends that the signature is not his and that the government obtained it from his legal counsel. The court has carefully reviewed the motion and supporting argument, with the understanding that the defendant believes he has insufficient access to his legal tools. However, the court finds that this is a factual issue that will be more appropriately decided at trial. Consequently, the court will deny the motion for hearing without prejudice subject to reassertion at trial.

Motion for an untapped telephone and expenses, Filing Nos. 72 and 74

Defendant is not entitled to an untapped telephone while in the Douglas County Correctional Center and he must pay the reasonable rates for telephone use at this time.

Motion for hearing on motion to proceed in forma pauperis, Filing No. 76

A hearing has previously been scheduled on the motion to proceed in forma pauperis. Therefore, this motion will be denied as moot.

Motion to gain access to the court, Filing No. 77

The court has previously ruled on this request in Filing No. 39, and this motion will be denied as moot.

THEREFORE, IT IS ORDERED that the defendant's motions, Filing Nos. 62, 64, 65, 67, 68, 70 (for hearing and for declaratory judgment), 71, 72, 74, 76 & 77 are denied.

DATED this 27th day of July, 2006.

BY THE COURT:

s/ Joseph F. Bataillon
JOSEPH F. BATAILLON
United States District Judge